

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Jacqueline L. Craft, Trustee of the)
Jacqueline L. Craft Trust U/T/D June 30,)
1998, and Jacqueline L. Craft, individually,)

Plaintiffs,)

v.)

South Carolina State Plastering, LLC,)
Peter Conley, Del Webb Communities, Inc.,)
and Pulte Homes, Inc.,)

Defendants.)

C.A. No.: 9:15-cv-5080-PMD

ORDER

This matter is before the Court on Plaintiffs’ motion for a protective order and to quash subpoenas (ECF No. 32). For the reasons set forth herein, Plaintiffs’ motion is denied without prejudice.

Rule 26(c)(1) of the Federal Rules of Civil Procedure requires that parties seeking a protective order “must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action.” Fed. R. Civ. P. 26(c)(1). Additionally, “[l]ocal Civil Rule 7.02 provides that a moving party ‘must confer with opposing counsel and attempt in good faith to resolve the matter contained in the motion’ before filing a nondispositive motion,” such as a motion to quash. *See Fort v. Leonard*, No. 7:05-cv-1028-HFF-WMC, 2006 WL 1487034, at *1 (D.S.C. May 26, 2006) (quoting Local Civ. Rule 7.02 (D.S.C.)). Local Civil Rule 7.02 was adopted in hopes that the parties might attempt to agree amongst themselves to an appropriate resolution.

In their motion, Plaintiffs have failed to provide either of the required certifications. Thus, nothing indicates that Plaintiffs attempted to resolve this matter before filing their motion.

The Court emphasizes that these discussions must take place before calling upon the Court's time and resources. Accordingly, Plaintiffs' motion is denied at this time, with leave to re-file if necessary.

CONCLUSION

For the foregoing reasons, it is **ORDERED** that Plaintiffs' motion for a protective order and to quash subpoenas is **DENIED WITHOUT PREJUDICE**.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

**November 4, 2016
Charleston, South Carolina**